

**Statement of Representative Tom Udall (NM-3<sup>rd</sup>)**  
**On the introduction of a bill**  
**To clarify issues of criminal jurisdiction within the exterior boundaries**  
**of Pueblo lands.**  
**February 2, 2005**

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Mr Speaker:

I rise today to introduce legislation on behalf of myself and cosponsors Heather Wilson and Stevan Pearce that will help clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands by amending the Indian Pueblo Lands Act of 1924.

This legislation addresses confusion over criminal jurisdiction on Pueblo lands in New Mexico arising out of the holding in United States v. Jose Gutierrez, an unreported decision of a federal district court judge in the District of New Mexico that overturned prior precedent regarding the jurisdictional status of the lands within the exterior boundaries of Pueblo grants.

The Gutierrez decision created uncertainty and the potential for a void in criminal jurisdiction on Pueblo lands. Because of the risk to public safety and law enforcement arising out of this uncertainty, it is important to clarify the scope of criminal jurisdiction on Pueblo lands. This amendment to the Pueblo Lands Act makes clear that the Pueblos have jurisdiction, as an act of the Pueblos' inherent power as an Indian tribe, over any offense by a member of the Pueblo or of another federally recognized Indian tribe, or by any other Indian-owned entity committed anywhere within the exterior boundaries of any grant to a Pueblo from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims. The legislation also makes clear that the United States has jurisdiction over any offense within these grants described in chapter 53 of title 18, United States Code, committed by or against a member of any federally recognized Indian tribe or any Indian-owned entity, or that involves any Indian property or interest. Finally, the legislation makes clear that the State of New Mexico shall have jurisdiction over any offense within these grants committed by a person who is not a member of a federally recognized Indian tribe, which offense is not subject to the jurisdiction of the United States.

Nothing in this legislative clarification is intended to diminish the scope of Pueblo civil jurisdiction within the exterior boundaries of Pueblo grants, which is defined by Federal and Tribal laws and court decisions. This legislation also does not in any way diminish the exterior boundaries of these grants.

The All Indian Pueblo Council of the nineteen Pueblo Governors has agreed to the language included in this legislation. The Governors recognize the urgency of this matter and have come to Congress asking that we do everything in our power to avoid the unfathomable situation of creating places in New Mexico where someone could literally

get away with murder. We here in Congress must also recognize the urgency of this situation and take action to address it.

I look forward to working with my colleagues in the House and the New Mexico delegation to pass this legislation. Thank you very much. I yield the remainder of my time.